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The death of Harry Smith III

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Jury finds in favor of officers in wrongful death case

By SEAN O'SULLIVAN, *The News Journal*

Posted Tuesday, April 17, 2007 at 2:58 pm

WILMINGTON — A jury today found that three Wilmington police officers did not violate the rights of a man they shot to death in 2003 after a police chase.

The wrongful-death lawsuit had been brought by the family of a man shot to death after a police chase.



Harry Smith III
News Journal file

The verdict brings to a close a week-long tense and emotional trial, and one not usually seen in the calm corridors of Delaware's federal courthouse.

Harry Smith III, 25, was shot and killed by three police officers Sept. 13, 2003, after he stole a police car near Wilmington Hospital and led police on a 16-block high-speed chase that ended with Smith's death at a police barricade at Fifth and Harrison streets.

Officers testified that Smith had attempted to get around the barrier, and run down Det. John Ciritella, when they opened fire. Smith had been taken to the hospital by his family that day because of mental problems.

An internal police investigation and an investigation by the Delaware Attorney General cleared the officers of any wrongdoing, but Smith's family filed this federal civil suit charging officers Ciritella along with Master Sgt. Thomas Dempsey and Sgt. Matthew Kurten with violating Smith's rights by using excessive force and illegally caused his death.

Nearly every day of the trial was well-attended while most proceedings in federal court rarely have more than the attorneys and immediate family present.

On the day of closing arguments, the courtroom was filled